

## REMARKS

### **Introduction**

This paper is presented in response to the final official action of June 9, 2009, wherein: (a) claims 1-16 and 18-32 were pending; (b) claims 1-12, 14-16, and 19-32 were withdrawn from consideration; (c) the drawings were objected to; (d) claim 13 was rejected under 35 U.S.C §102(b) as anticipated by Guthrie U.S. 5,230,623 ("Guthrie"); (e) claims 13 and 18 were rejected under 35 U.S.C §102(e) as anticipated by Dire U.S. 2004/0007907 ("Dire"); (f) claim 13 was rejected as unpatentable over Neer et al. U.S. 5,422,521 ("Neer") in view of Uejima et al. U.S. 5,902,105 ("Uejima"); and (g) claims 13 and 18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 12, 19, and 20 of co-pending U.S. Ser. No. 10/575,150.

By the foregoing, claims 13 and 18 are amended. Support for the claim amendments is found in the original specification at page 5, lines 17-20; page 16, lines 12-23; and elsewhere throughout the original specification, claims, and drawing figures. Claims 13 and 18 remain at issue. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

### **Drawing Objections**

The official action objects to the drawings as informal, but acceptable for examination. The applicants will submit formal drawings before allowance.

### **Art-based Rejections**

#### **Claim 13**

Amended claim 13 (the only independent claim at issue) recites a dental treatment workstation that includes, *inter alia*, an input device that generates both navigation information for the control of a pointer on a user interface and control information for selecting and/or activating functions of various dental apparatuses that are represented in the user interface. The workstation also includes a server for administering the user interface and a functional unit that receives the navigation and

control information and passes the information to the apparatuses independently of the server. In sum, amended claim 13 generally recites a server-administered user interface that includes representations of apparatus functions that are selectable and/or activatable by input received through a functional unit that is independent of the server and, thus, independent of the user interface. None of Guthrie, Dire, Neer, or Uejima disclose or suggest at least this element of amended claim 13.

### **§102(b) Rejections**

Guthrie describes a pointer or arm device that may be used in a dental operatory that includes a computer and graphics display. The arm may be used as a pointer or “3D mouse” so that the pointer can be moved in space by a surgeon using movement of a probe and footpad, where the pointer’s position is visualized by a crosshair on a graphic screen in view of the surgeon. Movement of the probe corresponds to movement of the cursor on the screen and the pointer in space while pressing the footpad activates a menu and selectable functions. As described in the official action at page 3, the arm functions much like a conventional PC mouse because the movement of the probe controls the cursor movement on the screen and pressing the footpad allows selection of various functions displayed in the screen. Thus, while the navigation and control functions described by Guthrie may be independent of one another, selection of the functions cannot be independent of the user interface (as generally recited by amended claim 13) because each function described by Guthrie must be activated from the representation of the function on the user interface.

Dire describes a multimedia communication system for a dental or other treatment chair. The described system includes a user display screen, camera, speakers, and an armrest control for the patient to observe the progress of a procedure he is undergoing, web content, or other video or audio features. The arm rest controls allow the patient to change the display according to the preferences of the patient and to adjust the volume of speakers embedded in the chair headrest. Thus, while the armrest controls may permit the patient to control the speaker functions independently of the user interface, Dire does not describe selectable functions are both represented in the user interface and selectable independently of

the user interface through the functional unit, as generally recited by amended claim 13.

Neither the “3D Mouse” described by Guthrie nor the multimedia communication system described by Dire teaches or suggests the recitations of amended claim 13. Amended claim 13 and claim 18 depending therefrom are, therefore, distinguishable from both Guthrie and Dire. Accordingly, claims 13 and 18 are not anticipated by the applied references, and an indication to that effect is solicited.

### **§103(a) Rejections**

Neer discloses a foot-operated control system for a multi-function device that may be used in a dental operatory. The disclosed device may be manipulated by the foot of an operator to generate selection and actuation signals. Movement of the pedal navigates through a graphical function menu to highlight each available function. The user may then actuate the pedal to select and perform one of the highlighted functions. The navigation information generated by the device is also used to send control information for the various, selectable functions much like a conventional PC mouse. Therefore, the device movement does not disclose the input device as recited in amended claim 13 that generates control information with which functions of the apparatuses, as represented in a user interface, are selectable and/or activatable independently of the user interface. Because Neer does not disclose navigation and control information that is independent of the user interface to select functions that are represented in the user interface, as generally recited by amended claim 13, Neer does not teach or suggest each and every element of this claim or claim 18 depending therefrom. Likewise, Uejima does not disclose or suggest this element. Because Neer in view of Uejima does not teach or suggest each and every element of amended claim 13, the applicants respectfully request that the rejection of this claim, and claim 18 depending therefrom, be reconsidered and withdrawn. Accordingly, claims 13 and 18 are not obvious over the applied references, and an indication to that effect is solicited.

**Double-patenting Rejection**

Claims 13 and 18 have been rejected for obviousness-type double patenting over claims 12, 19, and 20 of co-pending application Ser. No. 10/575,150. This is a provisional double-patenting rejection, as the subject claims of Ser. No. 10/575,150 have in fact not yet been patented.

As such, a substantive response to the double-patenting rejection will be held in abeyance until such time as the subject claims of the co-pending application have been patented.

**Conclusion**

A prompt indication of allowability is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

August 6, 2009

Respectfully submitted,

By 

Andrew R. Smith

Registration No.: 62,162  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant